

03-04-02

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Docket No: AM200023-00
PatentAssistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231JC979 U.S. PTO
10/087066
03/01/02Application for Transmittal under 37 CFR 1.53 (b)Transmitted herewith for filing is the patent application of the following Inventor(s):
Thomas MaierFor: **Herbicide 2-Alkynyl-Pyri(mi)dines**

1. This new application is for a:
 - ☐ Divisional
 - ☐ Continuation
 - ☐ Continuation-in-part (CIP)
2. Benefit of Prior U.S. Application(s) (35 USC 120)
This new application being transmitted claims the benefit of prior U.S. application(s) Serial No. **60/274,755**, filed on **March 9, 2001**.
3. Papers enclosed which are required for filing date under 35 CFR 1.53(b):
 - 27** Pages of specification
 - ☐ Sequence Listing (___ pages)
 - 5** Pages of claims
 - 1** Page(s) of abstract
 - Sheets of drawing
 - ☐ Formal
 - ☐ Informal
4. Additional papers enclosed
 - ☒ Information Disclosure Statement
 - ☒ Form PTO-1449
 - ☒ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Computer Readable Form of Sequence Listing
 - ☐ Declaration Under 37 CFR 1.821(f)
 - ☐ Other:

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CERTIFICATION UNDER 37 CFR 1.10I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EL021296650US** addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.March 4, 2002  
DateDelia Coughlin  
Delia Coughlin

## 5. Declaration

- ☐ Copy from a prior application (37 CFR 1.63 (d)) is enclosed  
☐ New declaration enclosed and executed by all inventor(s)  
☒ New declaration not enclosed or not executed by all inventor(s)

## 6. Assignment

An assignment of the invention to:

- BASF Aktiengesellschaft  
☐ was made in the prior application and recorded in PTO on \_\_\_\_\_, Reel \_\_\_\_\_, Frame \_\_\_\_\_.  
☐ is attached under separate Recordation Form Cover Sheet.  
☒ will follow.

## 7. Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Section 5 of this transmittal, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

## 8. Amendments

- ☐ Cancel in this application original claim of the prior application before calculating the filing fee. (At least one original independent claim is retained for filing purposes.)  
☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following with the highest numbered original claim in the prior application.)

## 9. General Authorization:

During the pendency of this application treat any reply requiring a petition for extension of time for its timely submission as containing a request therefor for the appropriate length of time. The Commissioner is hereby authorized to charge all required extension of time fees during the entire pendency of this application to Deposit Account No. 02-1197.

10. Filing Fee Calculation

| CLAIMS AS FILED               |                        |                               |             |                  |
|-------------------------------|------------------------|-------------------------------|-------------|------------------|
| (1)<br>FOR                    | (2)<br>NUMBER<br>FILED | (3)<br>NUMBER EXTRA X<br>RATE |             | (4)<br>BASIC FEE |
|                               |                        |                               |             | \$740.00         |
| TOTAL CLAIMS                  | 13-20                  |                               | X \$ 18.00  |                  |
| INDEPENDENT<br>CLAIMS         | 3-3                    |                               | X \$ 84.00  |                  |
| MULTIPLE<br>DEPENDENCY<br>FEE | No                     |                               | X \$ 280.00 |                  |
|                               |                        | Total Filing Fee:             |             | \$740.00         |

11. Fee payment being made at this time: **\$740.00**
12. Method of Payment of Fees:  
Charge Deposit Account No. **02-1197** in the amount of **\$740.00**  
A duplicate of this transmittal is attached.
13. Instructions as to Overpayment:  
Credit any overpayment to Deposit Account No. **02-1197**.
14. Authorization to Charge Additional Fees
- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **02-1197**:
  - ☒ 37 CFR 1.16(a), (f), or (g) filing fees
  - ☒ 37 CFR 1.16(b), (c), and (d) presentation of extra claims
  - ☒ 37 CFR 1.16(e) surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application.
  - ☒ 37 CFR 1.17 application processing fees
15. Relate Back
- ☒ Amend the Specification by inserting before the first line the sentence:  
This application claims the benefit under 35 USC 119(e) of provisional application 60/274,755, filed March 9, 2001.

## 16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application is (are)

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified for the prior application be deleted in accordance with the signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)):

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration is being filed. With respect to the prior application the inventor(s) in this application is (are)

☐ the same

☐ the following additional inventors have been added:

## 17. Maintenance of Coadependency of Prior Application

- (a) ☐ Extension of Time in Prior Application  
☐ A petition, fee and response extends the term in the pending prior application until .  
☐ A copy of the petition filed in the prior application is attached.

- (b) ☐ Conditional petition for Extension of Time in Prior Application.  
☐ A conditional petition for extension of time is being filed in the pending prior application.  
☐ A copy of the conditional petition filed in the prior application is attached.

*C. Costello* *March 1, 2002*  
Charles F. Costello

Reg. No. 27,324

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03/01/02  
Jc960 U.S. PTO

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

## Complete if Known

|                      |                                      |
|----------------------|--------------------------------------|
| Application Number   | Express Mail Label No. EL021296650US |
| Filing Date          | Herewith                             |
| First Named Inventor | Thomas Maier                         |
| Examiner Name        | To Be Assigned                       |
| Group Art Unit       | To Be Assigned                       |
| Attorney Docket No.  | AM200063-00                          |

TOTAL AMOUNT OF PAYMENT (\$ 740.00)

### METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

02-1197

Deposit  
Account  
Number

BASF Corporation

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17  
☐ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1-BASIC FILING FEE

| Large<br>Fee Code | Entity<br>Fee (\$) | Small<br>Fee Code | Entity<br>Fee (\$) | Fee Description        | Fee Paid |
|-------------------|--------------------|-------------------|--------------------|------------------------|----------|
| 101               | 740                | 201               | 370                | Utility filing fee     | 740      |
| 106               | 330                | 206               | 165                | Design filing fee      |          |
| 107               | 510                | 207               | 255                | Plant filing fee       |          |
| 108               | 740                | 208               | 370                | Reissue filing fee     |          |
| 114               | 160                | 214               | 80                 | Provisional filing fee |          |
| SUBTOTAL (1)      |                    |                   |                    |                        | (\$)     |

#### 2. EXTRA CLAIM FEES

| Total<br>Claims    | Extra<br>Claims | Fee<br>from below | Fee<br>Paid |
|--------------------|-----------------|-------------------|-------------|
| 13                 | -20**=          | X                 | =           |
| 3                  | -3**=           | X                 | =           |
| Multiple Dependent |                 |                   | =           |

| Large<br>Fee Code | Entity<br>Fee (\$) | Small<br>Fee Code | Entity<br>Fee (\$) | Fee Description                                         |
|-------------------|--------------------|-------------------|--------------------|---------------------------------------------------------|
| 103               | 18                 | 203               | 9                  | Claims in excess of 20                                  |
| 102               | 84                 | 202               | 42                 | Independent claims in excess of 3                       |
| 104               | 280                | 204               | 140                | Multiple dependent claims, if not paid                  |
| 109               | 84                 | 209               | 42                 | **Reissue independent claims over original patent       |
| 110               | 18                 | 210               | 9                  | **Reissue claims in excess of 20 & over original patent |
| SUBTOTAL (2)      |                    |                   |                    |                                                         |

\*\*or number previously paid, if greater ; For Reissues, see above

(\$ 740.00)

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES


| Fee Code | Large Entity Fee (\$) | Fee Code | Small Entity Fee (\$) | Fee Description                                                            | Fee Paid |
|----------|-----------------------|----------|-----------------------|----------------------------------------------------------------------------|----------|
| 105      | 130                   | 205      | 65                    | Surcharge - late filing fee or oath                                        |          |
| 127      | 50                    | 227      | 25                    | Surcharge-late provisional filing fee or cover sheet                       |          |
| 139      | 130                   | 139      | 130                   | Non-English Specification                                                  |          |
| 147      | 2,520                 | 147      | 2,520                 | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112      | 920*                  | 112      | 920*                  | Requesting publication of SIR prior to Examiner Action                     |          |
| 113      | 1,840*                | 113      | 1,840*                | Requesting publication of SIR after Examiner Action                        |          |
| 115      | 110                   | 215      | 55                    | Extension for reply within first month                                     |          |
| 116      | 400                   | 216      | 200                   | Extension for reply within second month                                    |          |
| 117      | 920                   | 217      | 460                   | Extension for reply within third month                                     |          |
| 118      | 1,440                 | 218      | 720                   | Extension for reply within fourth month                                    |          |
| 128      | 1,960                 | 228      | 980                   | Extension for reply within fifth month                                     |          |
| 119      | 320                   | 219      | 160                   | Notice of Appeal                                                           |          |
| 120      | 320                   | 220      | 160                   | Filing a brief in support of an appeal                                     |          |
| 121      | 280                   | 221      | 140                   | Request for oral hearing                                                   |          |
| 138      | 1,510                 | 138      | 1,510                 | Petition to institute a public use proceeding                              |          |
| 140      | 110                   | 240      | 55                    | Petition to revive- unavoidable                                            |          |
| 141      | 1,280                 | 241      | 640                   | Petition to revive- unintentional                                          |          |
| 142      | 1,280                 | 242      | 640                   | Utility issue fee (or reissue)                                             |          |
| 143      | 460                   | 243      | 230                   | Design issue fee                                                           |          |
| 144      | 620                   | 244      | 310                   | Plant issue fee                                                            |          |
| 122      | 130                   | 122      | 130                   | Petitions to the Commissioner                                              |          |
| 195      | 300                   | 195      | 300                   | Publication Fee                                                            |          |
| 126      | 180                   | 126      | 180                   | Submission of Information Disclosure Stmt                                  |          |
| 581      | 40                    | 581      | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 146      | 740                   | 246      | 370                   | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149      | 740                   | 249      | 370                   | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179      | 740                   | 279      | 370                   | Request for Continued Examination (RCE)                                    |          |
| 516      | 3.00                  | 516      | 3.00                  | Printed copy of patent (10 x 3.00)                                         |          |

Other fee (specify):

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

### SUBMITTED BY

|                   |                                                                                     |                                   |        |           |                |
|-------------------|-------------------------------------------------------------------------------------|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Charles F. Costello                                                                 | Registration No. (Attorney/Agent) | 27,324 | Telephone | (609) 716-3273 |
| Signature         |  |                                   |        | Date:     | March 1, 2002  |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.